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Attorney for Defendant,
CHARLES BARRETT

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
CHARLES BARRETT,
Defendant.

} Case No.: 1:22-CR-00213 JAM-BAM
} **DEFENDANT CHARLES BARRETT'S**
} **SENTENCING MEMORANDUM**
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}
Date: May 21, 2024
Time: 9:00 a.m.
Honorable John A. Mendez

I. DEFENSE REQUEST

Mr. Charles Barrett respectfully asks this court to sentence him to a sentence of less than 188 months. Upon serving his term of imprisonment, Mr. Barrett is aware he will be on supervised release for 60 months, however, defendant objects to recommendation #13 monitoring via electronic device and curfew. (Doc. 247-1, Sentencing Recommendations, page 5) and to the \$15,000 JVTA assessment. According to 18 USC §3014, “the court shall impose an amount of \$5,000 on any non-indigent person or entity convicted of an offense...relating to sexual abuse.

1 As the court is aware, the JVTA assessment is on a per count basis, hence the \$15,000
2 recommendation. Defendant Barrett is indigent and faces a significant period of incarceration.
3 The assessment is unreasonable under these circumstances.

4 **A. Overstated CHC**

5 Mr. Barrett was assessed with a Criminal History Category of 9 (PSIR, ¶109) the court is asked
6 to consider a reduction of the CHC from 9 (CHC IV) to 5 (CHC III). The defense is of the position
7 that a CHC IV over-represents the defendant's criminal behavior based upon the type of charge
8 used to elevate the criminal history category USSG §4A1.3(b)(1). In the instant case, Barrett was
9 assessed two points for a trespass conviction which occurred well over 15 years ago when Barret
10 was 20 years old (PSIR, ¶ 99). Barrett was assessed two points for a state domestic violence
11 conviction which occurred in Inyo County, Bishop, California approximately 16 years ago when
12 he was 24 years old. (PSIR, ¶ 100). A 4-point reduction would lead to a CHC III.

13 **B. Obstruction (¶¶51, 57 and 63)**

14 The court is asked to strike the +2 Obstruction assessment. The increase is based upon points
15 which were not addressed in testimony at jury trial. In addition, the basis behind the assessment
16 as alluded to in paragraphs 51, 57 and 63 was not provided in full context and is based upon
17 speculation.

18 **C. Offense Level Calculations**

19 The defense agrees that the Base Offense Level for Counts I and 3 is 30 (§2A3.1). That BOL
20 is augmented by the specific offense characteristics augment of four per §2A3.1(b)(1) for a total
21 offense level of 34. Should the court strike the +2 Obstruction addition, then the sentencing range
22 of with a CHC of III becomes 188-235. We agree with the 24-month recommendation to run
23 concurrent as to count 2.

1 **II. CHARLES BARRETT REQUESTS THIS COURT TO IMPOSE A**
2 **SENTENCE THAT IS SUFFICIENT, BUT NOT GREATER THAN**
3 **NECESSARY, TO COMPLY WITH THE OBJECTIVES SET FORTH IN 18**
4 **USC §3553(A)**

5 This case presents an unfortunate situation for 39-year-old Charles Barrett. As the
6 testimony suggested, Mr. Barrett has suffered from alcoholism for quite some time. In addition,
7 based upon the testimony that he would attempt or threaten suicide, then “check himself in” to a
8 local hospital from time to time for assistance, indicates he is not mentally stable. Throughout his
9 life, Mr. Barrett has had the support of his family. His father, Ronald, resides in Parkston, South
10 Dakota and is a retired law enforcement officer. His mother, Joan (See, character letter, exhibit
11 1), resides in Santa Rosa, California. Mr. Barrett’s mother attended the jury trial daily and
12 continues to support her son as well as his brother, Anthony.

14 Attached to this sentencing statement and identified as Exhibit 1 are character letters
15 from various individuals. Ms. Patricia Vanders said of Charles manner,” Charles is a man of
16 unwavering integrity, kindness, and moral fortitude. Throughout our interactions, I have
17 consistently observed his commitment to treating everyone with respect and empathy. His
18 actions and words reflect a deep sense of responsibility and consideration for others.” Another
19 individual, Katie Lambert, a friend of over 16 years, stated, “I have also witnessed him suffer
20 from bouts of depression and anxiety; a diagnosis of bi-polar disorder was given to him, if I’m
21 not mistaken, sometime in 2015 or early 2016. Over the years I watched this diagnosis and
22 prescription medicine give him some hope and clarity as to his feelings and emotions and ease
23 the extremes of his highs and lows. I have never felt unsafe or threatened by Charlie even though
24 I know he has a storied past. I know that he shows tremendous potential to be of good in society,
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1 but care must be taken to provide him with the right psychological and physical outlets and
2 therapy.”

3 Mr. Barrett’s mother, Joan, wrote, “He has done presentations for climbing magazines.
4 The first one, he was nervous about talking and showing his pictures for one hour. He spoke for
5 two hours because of his amazing pictures, funny antidotes, and lots of information. Different
6 companies have sponsored him. He has worked at climbing gyms, worked at Yosemite and
7 Mammoth. He is a people person, makes friends easily. Has many friends from all over for over
8 20 years. Has always been there for them, helping them for whatever they need. He bought a
9 house but would rather live in a tent outdoors. He is romantic. He took all the rose petals off my
10 roses, bought candles then put them out for his girlfriend when she got home from work. The
11 reason I have written these things is to show that he is a carefree, funny, loyal, honest, hard
12 driven person. I could give lots more examples of things he has done and accomplished.”

15 Another friend, Thomasina Pidgeon, noted, “I am writing on behalf of an old friend of
16 mine, Charlie Barrett, whom I’ve known for over 22 years. I believe Charlie to be a good person.
17 Charlie is kind, open, and one of the gentlest people that I know and trust. I first met Charlie in
18 the summer of 2003 in Squamish, Canada. We quickly became friends and have always kept in
19 touch, especially on birthdays as we share the same day. It is a bit of a race to see who calls each
20 other first. Whenever I visited California, I would make sure to see Charlie, and likewise, if he
21 was ever in Canada or near where I may have been traveling, he would do the same. The last
22 time I saw him was in Hueco Tanks, Texas, just before Covid. Charlie, myself, and my daughter
23 went climbing for the day and it was like the usual day with Charlie. The conversations ranged
24 from typical fun joking around to the type of honest and deep conversations that go beyond the
25 normal chatter, which is rare in today’s world. I could share with him my insecurities and
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1 whatever thoughts I had at the time and always feel safe. He always approached things openly,
2 without judgement, and would either just listen or give me a response that would put things in a
3 better perspective. Charlie called me once when I was boarding a plane after my mom had died.
4 Our conversation was short but the first thing he said was “I’m sorry to hear that. That’s a
5 type of pain that I’ve not yet felt”. Something about this stood out. He had no idea what I was
6 feeling, and he wasn’t going to pretend. He just knew that it was a deep pain and although he did
7 not experience it himself, he could sympathize and try to understand. Around 2011, my daughter
8 and I were visiting Yosemite. Cedar was five at the time and Charlie was always the first person
9 that she ran too. He was so good with her and could easily make her laugh. He would do
10 anything for us, this I know. He has always been generous and kind and would drop whatever he
11 was doing if I needed help of any kind”.

14 Overall, Mr. Barrett does possess redeeming qualities despite comments made to the
15 contrary by the Government and those who have submitted letters against Charles. These folks
16 who know him best have touched upon not only his mental instability, alcohol use and
17 knowledge of his criminal conduct past, but reflect upon his caring nature. Mr. Barrett has
18 recognized his demons. He will receive treatment via RDAP while in custody, but will also use
19 the time spent in custody to learn a skill. Following the recommendation set forth by probation
20 is quite harsh. A sentence of less than 188 months is sufficient, but not greater than necessary, to
21 achieve the objectives of sentencing.

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CONCLUSION

Based upon the foregoing, defense counsel requests the Court consider a reduced sentence pursuant to the factors set forth under 18 U.S.C. § 3553.

Dated: May 15, 2024

/s/ Timothy Hennessy

Timothy Hennessy
Attorney for Defendant
Charles Barrett

/s/ David A. Torres

DAVID A. TORRES
Attorney for Defendant
Charles Barrett

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11 **EXHIBIT 1**
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Honorable John A. Mendes,

My son, Charles Barrett, grew up with a passion for the outdoors. Charlie played in the mud, climbed on anything he could, and loved to hike and sleep outside.

As a young man, Charlie took this love to the next level, when he discovered Yosemite National Park; creating a life for himself many of us only dream about.

In Yosemite, many opportunities opened for Charlie to develop his rock climbing, a sport he has a gift for. Soon he was teaching others. As he met people and developed friendships, Charlie integrated into Yosemite's outdoor community, aiding the Search and Rescue Team (SAR); helping out where ever needed in both Yosemite Valley, the Tuolumne Meadows area and Mammoth Lakes.

Charlie's outdoor reputation, and his ability to help others spread. One day he received a call from a disabled man. A paraplegic, the man heard Charlie was among the best rock climbers in the Mammoth Lakes area, and related his dream to Charlie. Somehow, he wanted to get to the top of Blood Mountain and then ski down. The man needed someone to help design and then create a sled to get him and his equipment to the top---4,000 feet. Charlie took on the task, refusing compensation. After weeks of work, they made it to the top. The story was made into a documentary, emphasizing Charlie's love for Mammoth Lakes, Yosemite, and helping others.

Since then, Charlie has produced three best selling rock climbing-bouldering books, obtained climbing sponsors, given his own creatively developed slide presentations for climbing magazines, and more.

He has traveled all 50 states making friends and great stories along the way. His knowledge of world geography, sports, and music is incredible. We have been doing trivia lately and it floors me how much he knows!

Charlie currently has a home along with solid plans for the next step in his life---going back to school and becoming a radiologic technologist.

My son is a quiet, once carefree, loyal, polite, honest, humorous, intelligent, and hard-working person. I am proud of everything Charlie has accomplished.

Thank you for your time,

Joan Wyman
2164 Mt. Olive Drive
Santa Rosa CA 95404
707-217-6885
Jm4553@aol.com

October 27 2022

My name is Joan Wyman and I am writing on behalf of my son, Charlie Barrett.

Rock climbing is Charlie's passion. He has written three books on climbing and bouldering, they are very detailed with climbing information and places of interest, hotels, restaurants and much more. He first has to do the climbs before he writes about them. He will teach others and help them with climbs. He once helped a paraplegic climb up a mountain so the man could ski down.

He has done presentations for climbing magazines. The first one, he was nervous about talking and showing his pictures for one hour. He spoke for two hours because of his amazing pictures, funny antidotes, and lots of information. Different companies have sponsored him. He has worked at climbing gyms, worked at Yosemite and Mammoth.

He is a people person, makes friends easy. Has many friends from all over for over 20 years. Has always been there for them, helping them for whatever they need.

He bought a house but would rather live in a tent outdoors.

He is a romantic. He took all the rose petals off my roses, bought candles then put them out for his girlfriend when she got home from work.

The reason I have written these things is to show that he is a carefree, funny, loyal, honest, hard driven person. I could give lots more examples of things he has done and accomplished.

He is not perfect, has made some bad choices, but I know my son and the charges against him is something he would not do.

Thank you.

To whom it may concern,

I hope this email finds you well. I am writing to attest to the exceptional character of Mr. Charles Barrett, a client of yours. In my capacity as Patricia Vanders, I have had the privilege of knowing Mr. Barrett closely.

Charles is a man of unwavering integrity, kindness, and moral fortitude. Throughout our interactions, I have consistently observed his commitment to treating everyone with respect and empathy. His actions and words reflect a deep sense of responsibility and consideration for others.

It is important to emphasize that Mr. Barrett has consistently demonstrated a commitment to nonviolence. I firmly believe that he would never engage in any behavior that could harm a woman or anyone else. His conduct has been exemplary, and his dedication to maintaining positive relationships within the community is evident.

If you require any additional information or specific examples to support this character assessment, please do not hesitate to contact me. I am more than willing to provide any details that may aid in affirming Mr. Barrett's standing as a person of good character.

Thank you for your attention to this matter. I trust that this letter will contribute positively to Mr. Barrett's legal proceedings.

Sincerely,

Patricia Vanders
Redlily25@gmail.com

Maki Boyle
260 London Ave.
Lafayette, CO 80026
415-515-0879

Hennessy Law Group
1217 L Street
Bakersfield, CA 93301

January 11, 2024

To Whom It May Concern;

In preparation for Charlie Barrett's trial that I understand is scheduled for February 8, I wanted to write to you on his behalf. I have known Charlie for almost two decades having met him in Bishop, California and spending time with him on the east side and up in Tuolumne Meadows in the summers for many years. We met through mutual friends and bonded over our love of climbing.

I got to know him much more in 2010 and 2011 when he stayed with me and friends at my apartment in Bishop, CA. I traveled often, but whenever I was home, he would help me out and was always a good friend. He picked me up when I returned from Thailand. He would take me out climbing and show me new boulders, but I think the most important thing to mention is that he always made me feel safe. I felt like I could be 30' up on the side of a boulder and go for it because I knew he would never let anything happen to me. That is the sort of friend he is, and I apologize for the climbing analogy, but in life and in climbing I've always felt he was there for me. It's friends like him and friendships like his that have really grounded me over the years and given my life meaning.

Charlie and our mutual friends are my home. The last time I saw him in 2019 we were in Boulder, Colorado. I was 5-months pregnant with my first child if I remember correctly. He was moving out east and getting on track with his climbing goals as well as his health. Hopefully this doesn't come across as condescending, but I was proud of him. I'm not a doctor, but I believe he's struggled with depression and anxiety the whole time I've known him. And while he will always have work to do on himself, he doesn't deserve to be in jail. He deserves to work on himself outside, and climbing, where he can find peace.

Warm Regards,


Maki Boyle

To: Honorable John A. Mendez

Hello sir,

My name is Thomasina Pidgeon. I am a Canadian based in Squamish, mother of Cedar, daughter age 17, a business owner, and academic pursuing my master in Human Geography at Simon Fraser University.

I am writing on behalf of an old friend of mine, Charlie Barrett, whom I've known for over 22 years. I believe Charlie to be a good person. Charlie is kind, open, and one of the gentlest people that I know and trust.

I first met Charlie in the summer of 2003 in Squamish, Canada. We quickly became friends and have always kept in touch, especially on birthdays as we share the same day. It is a bit of a race to see who calls each other first. Whenever I visited California, I would make sure to see Charlie, and likewise, if he was ever in Canada or near where I may have been traveling, he would do the same.

The last time I saw him was in Hueco Tanks, Texas, just before Covid. Charlie, myself, and my daughter went climbing for the day and it was like the usual day with Charlie. The conversations ranged from typical fun joking around to the type of honest and deep conversations that go beyond the normal chatter, which is rare in today's world. I could share with him my insecurities and whatever thoughts i had at the time and always feel safe. He always approached things openly, without judgement, and would either just listen or give me a response that would put things in a better perspective.

Charlie called me once when I was boarding a plane after my mom had died. Our conversation was short but the first thing he said was "I'm sorry to hear that. That's a type of pain that I've not yet felt". Something about this stood out. He had no idea what I was feeling and he wasn't going to pretend. He just knew that it was a deep pain and although he did not experience it himself, he could sympathize and try to understand.

Around 2011, my daughter and I were visiting Yosemite. Cedar was five at the time and Charlie was always the first person that she ran too. He was so good with her, and could easily make her laugh. He would do anything for us, this I know. He has always been generous and kind and would drop whatever he was doing if I needed help of any kind.

Charlie's own business, writing guidebooks has been quite a success. This isn't an easy feat by no means as it takes great patience and dedication. Yet, Charlie managed to write several guidebooks to well known climbing areas like Tuolumne and Bishop, much of this on his own, which is a great inspiration. Despite being incredibly smart, hardworking and having one of those memories that can recall events easily, he remains down to earth.

I could go on but I know time is precious. I do hope this letter receives you well and thank you for taking the time to read it to the end. Please feel free to contact me if you have any questions.

Sincerely,
Thomasina Pidgeon
37827 2nd Avenue
Squamish, B.C.
V8B-0R2
Canada
1-604-849-1597
thomasinapidgeon@gmail.com

KATIE LAMBERT

180 Home St. | Bishop, Ca | 93514

To Whom it May Concern

I am writing to you on behalf of Charlie Barrett and to provide you and his legal counsel with a statement of his character. I first met Charlie sometime around 2008 in Bishop, CA where we were both spending some time rock climbing. He was known locally and within the California climbing community as very gifted and talented rock climber. He was polite, very supportive and focused on rock climbing. Over the course of the last 16 years, I have climbed with and hung out with Charlie innumerable times and I always felt that I had a solid climbing partner and spotter for my bouldering.

I have also witnessed him suffer from bouts of depression and anxiety; a diagnosis of bipolar disorder was given to him, if I'm not mistaken, sometime in 2015 or early 2016. Over the years I watched this diagnosis and prescription medicine give him some hope and clarity as to his feelings and emotions and ease the extremes of his highs and lows. I have never felt unsafe or threatened by Charlie even though I know he has a storied past.

I know that he shows tremendous potential to be of good in society, but care must be taken to provide him with the right psychological and physical outlets and therapy.

Sincerely,

Katie Lambert

February 4th, 2024

To whom it may concern,

My name is Tess Vining and I'm writing to share my experience of knowing Charlie Barrett for the last 13 years. I met Charlie in March of 2010 through my partner, when Charlie and I both worked at Sushi Rei in Mammoth Lakes, California.

My partner had known Charlie for many years and felt comfortable hosting him at our house whenever he needed a place to stay. Charlie and I developed a friendship that made me feel respected and at ease. There were times when I'd be home alone when Charlie was around, and I felt safe. When my partner and I had a child, Charlie was very supportive of my needs as a new mom in the way family would be. He quickly earned the name Uncle Charlie in our family and has continued to be an ally and empathetic listener to me, especially later on, when I was going through a challenging divorce from an abusive partner.

From the beginning, Charlie always maintained respectful boundaries towards my friends and I, one of whom he briefly dated. There were many instances when we'd be alone on camping trips, climbing, or at my home while I was caring for my baby, and Charlie's presence was nothing short of safe company to me.

In 2013 I relocated to Oregon and my relationship with Charlie grew distant. When I heard he was coming through Oregon on a trip I invited him to have lunch with my son and I. I remember learning from Charlie at that time that he had been in a troubling relationship and was feeling remorse over the recent breakup. That was the last time my family connected with Uncle Charlie.

I understand I don't know him in the intimate capacity that others may have. Still, the dynamic of our friendship included mutual vulnerability and trust. Charlie never broke that trust. I appreciate the caring nature that I personally experienced in Charlie, and I hope that this letter gives insight into the virtues I saw in Charlie as a member of my family and community.

Sincerely,

Tess Vining

Character Reference Letter for Court Sentencing

From:

Raymond M Barrett
2340 Whitecliff Way
San Bruno, CA 94066

April 28, 2024

To:

Honorable John A Mendez

Re: Charles Barrett

Dear Judge John A Mendez:

I am writing to you as Charlie's uncle. I am Charlie's father's brother. I write in the hopes that you can show leniency when determining the sentencing for Charles Barrett.

Since Charlie has been held in jail, our relationship has grown. We talk 4-6 times per week and I hope that we can maintain this strong relationship when Charlie is released. Along with his parents and friends, I will be part of a strong support group available to Charlie.

Charlie is the consummate outdoors guy. He loves nature and what it has to offer. In 2018, while on a family vacation, we met Charlie and his friend for lunch one day and then we enjoyed a few beach days in South Lake Tahoe. As usual, Charlie was very mellow and fun. I hope to be able to meet him on the beaches of Tahoe again.

I appreciate your time.

Sincerely,



Raymond M Barrett

To whom it may concern,

I am a long time friend of Charles Barret (Charlie) and wanted to reach out to hopefully paint you a picture of this amazing man. A little about me: Charlie and I have been friends for almost 14 years now. I work as an emergency department nurse at Mammoth Hospital and am currently studying to become a Nurse Practitioner.

Charlie is one of the kindest men I have ever met. He would give you the shirt off of his back if you needed it. I have never witnessed him show anger towards anyone, especially towards a woman. Charlie lived with me and my two female roommates for a short period and we never felt insecure; honestly, we felt much safer having him there with us. I know if I ever needed anything, he would drop whatever he was doing, no matter where he was, to help me.

For those who don't follow the world of climbing, it would help to know that Charlie could be considered famous, like the Kobe Bryant of climbing. He has written multiple, popular books on the subject and is very well known among the climbing world. I have witnessed over the years that many women within the climbing community are attracted to him and even follow him like they are his fans. I have also seen women become emotional and upset when rejected by him, as can happen with any relationship. However, these relationships I witnessed were always about building love and friendship, never tumultuous or abusive.

I truly believe that Charlie is incapable of these acts that he is being charged with. Charlie is one of the most loving people I have ever met and I hope you are able to see that when you meet him. I hope you're able to see the bigger picture of what might be going on, as I believe that Charlie is the one being victimized. He is being singled out by people from the climbing community who are trying to make an example of him because they don't like his past. I know he has a history, but please know that those errors do not define the man he is today. I know he has learned from his mistakes and has become a better human for it.

I appreciate you taking the time to read this and I hope this helps you better understand what an incredible person Charlie is.

L. Hansen, MSN, RN

January 23, 2024

To Whom It May Concern,

I am writing this as a character reference on behalf of Mr. Charlie Barrett.

I've known Charlie for over a decade. We first met in Bishop, California, when I was visiting on a rock climbing trip and we became friends after running into each other on subsequent climbing trips to California and Utah in the ensuing months. In all the time that I've spent with and around Charlie he has always shown himself to be a genuinely kind and caring person. He is friendly to strangers and loyal to friends. He has a wry sense of humor and always makes the people around him smile, and he has a big, generous heart.

As a small example of the kind of person Charlie is, there was one time in Yosemite National Park when Charlie and I were walking out of the general store. There was a \$5 bill on the ground in the parking lot and Charlie spotted it and picked it up. I was expecting him to pocket the bill, as I know Charlie has never been one to have much money, but instead, he gave it to an elderly stranger sitting on a nearby bench. That episode has always stayed with me as a demonstration of Charlie's generosity and kind heart. The more time anyone spends around him the more they'll see evidence of his kindness and compassion, reflected in his everyday actions and attitudes.

He isn't flawless though, and I know he has had trouble in years past, primarily as a consequence of alcohol use and abuse. However, he has been sober for several years now (and was sober during the time period concerning the events around his upcoming trial) and he is a better person for it. I've seen him take better care of his health since becoming sober, and I know it has improved his struggles with anxiety and depression. I truly believe he can become a productive member of society again if he is given the chance. He doesn't belong in prison.

Thank you for your time and consideration.

Michael Pang, M.D.
18826 N 36th Way
Phoenix AZ 85050